

RESOLUTION NO. 15-12- 0137

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

December 14, 2015

REPEALING AND RESTATING RESOLUTION NO. 13-08-0125, REPEALING AND RESTATING SACRAMENTO REGIONAL TRANSIT DISTRICT'S SERVICE AND FARE CHANGE POLICIES, AND ADOPTING A NEW SERVICE CHANGE POLICY

WHEREAS, Resolution No. 13-08-0125 established Service and Fare Change Policies for the Sacramento Regional Transit District; and

WHEREAS, Resolution No. 15-11-0129 established a Fare Change Policy for the Sacramento Regional Transit District, superseding the fare change provisions of Resolution No. 13-08-0125; and


WHEREAS, this resolution has come before the Board as an open session agenda item of a regular meeting properly noticed in accordance with the Ralph M. Brown Act; and

WHEREAS, the Board of Directors of the Sacramento Regional Transit District has taken into consideration public comments on the proposed resolution.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, Resolution No. 13-08-0125 is hereby repealed; and

THAT, the Board of Directors of the Sacramento Regional Transit District hereby adopts a new Service Change Policy as set forth in Exhibit A.



JAY SCHEMMER, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: 

Cindy Brooks, Assistant Secretary



Service Change Policy

December 14, 2015

1. INTRODUCTION

It is the policy of the Sacramento Regional Transit District (RT) to provide quality service to all customers regardless of race, color, national origin, or income. This document establishes RT policy and describes several policies and procedures relating to fixed route service changes.

This document is intended to satisfy Title VI of the Civil Rights Act of 1964, Executive Order 12898, and related federal civil rights laws, which help ensure that RT's services are provided in a non-discriminatory manner, specifically with regards to minority populations and low-income populations. This document also provides guidelines for meeting the requirements of the California Environmental Quality Act (CEQA) as they relate to service changes.

Title VI requires RT to adopt a numerical standard defining what constitutes a major service change. This definition and policy is discussed in Section 2. RT's 2012 Transit Renewal study also established a sunset clause for new routes which is incorporated in Section 3. Section 4 describes RT's public involvement process for major service changes.

Prior to adopting major service changes, Title VI and federal environmental justice regulations require RT to prepare an equity analysis to determine if the proposed changes are likely to result in adverse and disparate impacts (DI) on minority populations and/or disproportionate burdens (DB) on low-income populations. These definitions and policies are set forth in Section 5. Section 6 discusses their application. Section 7 discusses RT's requirements under CEQA as they relate to service changes.

2. MAJOR SERVICE CHANGE DEFINITION

RT categorizes service changes as either minor or major according to their size and likely impact. Minor service changes can be authorized by RT's General Manager/CEO. Major service changes require a public hearing (discussed in Section 4 of this document), a Title VI equity analysis (discussed in Sections 5 and 6 of this document) and approval by the RT Board.

A major service change is defined as follows:

- Creation of any new bus route exceeding 150 daily revenue miles; or
- Creation of any new light rail route or extension of any existing light rail routes; or
- Any change to an existing bus or light rail route that affects more than 15 percent of daily revenue miles

Service Change Policy

Any service change that does not meet the criteria for a major service change is considered a minor service change. Additionally, the following exceptional cases are considered minor service changes:

- Automatic elimination of a bus route according to RT's route sunset process set forth in Section 3 of this document (RT will, however, notify riders prior to the effective date)
- RT Board action to temporarily exempt a bus route from RT's route sunset process
- Schedule adjustments (RT will, however, notify riders prior to the effective date) □ Creation, alteration, or elimination of a supplemental route¹
- Emergency changes made to respond to natural or man-made disasters or to a state of fiscal emergency
- Creation, alteration, or elimination of temporary or demonstration service lasting one year or less
- Creation, alteration, or elimination of special event service (RT Board approval may be necessary for certain aspects of the service, e.g., acceptance of event tickets as fare media)
- Adjustments made to major service changes after Board approval but prior to the effective date that would otherwise be considered minor changes

If an Environmental Impact Report (EIR) or an Environmental Impact Statement (EIS) has been prepared for a project, the EIR/EIS review and approval process is considered to satisfy all review and approval requirements for a major service change, with the exception of the Title VI equity analysis, which is still required if the project meets the definition of a major service change. FTA explicitly requires a Title VI equity analysis be approved by the RT Board prior to the beginning of revenue service for any project funded by the FTA's New Starts program.

Contract service operated by RT and included in vehicle hour and mile reporting to FTA's National Transit Database is considered RT service for purposes of this policy. Any changes to such service that meet RT's major service change definition are subject to RT's Title VI requirements, public hearing requirements, and approval requirements.

All revenue mile calculations made for the purpose of classifying the service change must include the cumulative impact from service changes implemented in the twelve months preceding the effective date of the proposed new changes. Light rail revenue miles are counted at the level of entire trains rather than individual light rail vehicles.

¹ Supplemental routes are peak-only routes that are designed to accommodate heavy passenger volumes that would otherwise overload RT's regular routes. Supplemental routes usually operate only seasonally and often must be adjusted on short notice to respond to changing demand conditions.

3. ROUTE SUNSET PROCESS

RT's TransitRenewal study set forth a "sunset clause" whereby newly-created fixedroute bus routes must meet RT's productivity standards within two years of implementation.² This sunset clause, as an element of TransitRenewal, was accepted by the RT Board as a guideline for future service development, and has been incorporated here as RT policy. Pursuant to this policy, RT reviews route productivity on a quarterly basis, maintains a "watch list" of deficient bus routes, and makes annual recommendations to improve productivity.

If a new bus route fails to meet RT's productivity standards within two years of operation, RT will initiate an automatic elimination process (sunset elimination) that consists of the following steps:

- Staff advises the RT Board of the pending route elimination during a meeting of the Board of Directors.³
- Through a motion or a resolution, the RT Board may temporarily exempt the route in question from RT's route sunset process. See Appendix A for an example.
- Absent any Board action, staff will (1) determine an appropriate date for elimination,⁴ (2) notify riders of the route's pending elimination and alternative routes, if applicable, and (3) identify areas where resources could be redeployed.

Although a route elimination would ordinarily be considered a major service change, since new routes are implemented with an understanding of RT's sunset clause, elimination of a route through RT's route sunset process is considered a minor service change. It will therefore be exempt from RT's public hearing and equity analysis requirements, and all other requirements that apply only to major service changes. As noted above, RT will notify riders prior to the route's actual elimination.

4. PUBLIC INVOLVEMENT

To assure meaningful public involvement, especially from minority and low-income populations, Title VI requires RT to develop a Public Participation Plan. The provisions of this section are intended to summarize RT's public involvement program as it relates to service changes.⁵

² RT's productivity standards are set forth in RT's Service Standards document.

³ Previous productivity reports and watch list reports may be referenced or provided to document the failure of the route to meet RT's productivity standards.

⁴ As an example, RT may want to eliminate the route when other major changes are being made, so that outreach efforts can be consolidated, printed materials will be up-to-date, etc.

⁵ The Public Participation Plan will be adopted separately. This section is intended to be only a summary.

Public Review

A public hearing and a 30-day public review period are required prior to the adoption of major service changes. Staff will make a plan of the proposed changes as well as a draft Title VI service change equity analysis publicly available. Prior to adoption of any proposed changes, staff will consider and summarize all comments and make any necessary revisions to the service change proposal and Title VI service change equity analysis. The Board will consider the public comments prior to adoption of the changes and the final equity analysis.

Public Notice

On or before the beginning of the comment period, RT will distribute a notice to riders and members of the public on the materials available for review, including:

- A title, a one or two sentence description of the proposed changes, and a statement that RT is seeking public comments
- Notice of documents available for review (e.g., draft service plan, Title VI equity analysis, and/or CEQA documents)
- All routes that may be changed, listed by number, or, in the case of light rail lines, by name (e.g., Blue Line)
- The final date and time to submit comments
- The date, time, and location of the hearing and transit routes serving the location
- Contact information and where to find additional information

RT will post the notice on RT's web site in English as well as any non-English languages determined by RT policy on language assistance.⁶ RT will also display the notice in RT vehicles, at major stops and stations, to applicable mailing list subscribers, and in RT's monthly newsletter, if time permits. RT may notify riders through press releases or through social media. At least one presentation will typically be made to RT's Mobility Advisory Council. RT staff may also make presentations at the meetings of other interested organizations and groups.

Language Assistance

If requested, and given sufficiently advance notice (usually 3 business days or more), RT will provide an interpreter (including sign language) at the public hearing. RT's Language Line service also provides interpretation services over the phone for patrons calling for additional information, to make comments, or to arrange interpretation services at the public hearing.

⁶ In addition to a Public Participation Plan, Title VI requires RT to develop a Language Assistance Plan (LAP), which will be adopted separately. The provisions of this section are intended to be only a summary of RT language assistance policy specifically related to service changes.

5. EQUITY ANALYSIS – GENERAL Requirements

Requirements

Prior to adopting major service changes, Title VI and federal environmental justice regulations require RT to prepare an equity analysis to determine if the proposed changes are likely to result in disparate impacts (DI) on minority populations or disproportionate burdens (DB) on low-income populations.⁷ RT's DI and DB definitions must measure adverse effects on passengers and must be developed with public engagement.

Disparate Impacts

Title VI requires RT to analyze proposed major service changes to identify any possible DI on minority populations.⁸ If a statistically significant adverse effect on minority populations is found to be likely, Title VI requires RT to provide a substantial legitimate justification, including a finding that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish RT's legitimate program goals, before adopting the changes.⁹

FTA defines a minority person as anyone who is an American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, or Native Hawaiian or other Pacific Islander.

Disproportionate Burdens

Executive Order 12898 on Environmental Justice requires RT to analyze major proposed service changes to determine if they are likely to result in a disproportionate burden on low-income populations.⁹ A finding of disproportionate burden requires RT to take steps to avoid, minimize, or mitigate impacts where practicable¹⁰ and to describe alternatives available to low-income passengers affected by the changes.¹¹

⁷ Due to the similarity of the DI and DB processes and definitions, both requirements are usually satisfied with a single equity analysis that addresses both requirements.

⁸ A disparate impact is defined as a facially neutral policy or practice that disproportionately affects minority populations where the policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect. (See FTA Circular 4702.1B, Chapter 1, Section 5.)⁹

⁹ See FTA Circular 4702.1B, Chapter 4, Section 7.

¹⁰ A disproportionate burden is defined as a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. (See FTA Circular 4702.1B, Chapter 1, Section 5.)

¹¹ See FTA Circular 4702.1B, Chapter 1, Section 5.

¹² See FTA Circular 4702.1B, Chapter 4, Section 7g.

FTA defines a low-income person as a person whose household income is at or below the U.S. Department of Health and Human Services (DHHS) poverty guidelines.¹² The DHHS definition varies by year and household size. For 2015, DHHS poverty guidelines ranged from \$11,770 for a single-person household to \$40,890 for a household of eight. The poverty guidelines for a household of four were \$24,250.

FTA encourages transit agencies to use a locally-developed threshold for low-income status, provided that the threshold is at least as inclusive as the DHHS poverty guidelines. Since survey data often excludes household size and rarely includes exact household income, RT will, when necessary, define low-income status according to the poverty guideline for a household of four, rounded up to the nearest bracket boundary. For example, if household income data was available in \$15,000 brackets, and the DHHS poverty guideline for a household of four persons was \$24,250, then RT would round up the poverty guideline to \$30,000, so that any person reporting household income less than \$30,000 would be considered low-income.

Data Sources

In accordance with FTA guidance, when feasible, RT will use data from on-board passenger surveys for Title VI equity analyses. For service changes, if sufficient onboard survey data is not available or deemed unreliable, RT may substitute demographic data on the service area of the affected routes.

When using service area data, RT uses data from the U.S. Census Bureau's most recent five-year American Community Survey aggregated at the level of census tracts. Using Geographic Information Systems (GIS) software, RT computes a population estimate (broken down by minority and low-income status) for each affected route and for the overall RT system. As recommended by FTA, RT will usually assume a walk distance of a quarter mile from bus routes and a half mile from light rail stations.

For major proposed service changes, in addition to the above calculations, RT will prepare maps showing the potentially affected routes overlaid on a demographic map of the service area.

¹³ See FTA Circular 4702.1B, Chapter 1, Section 5.

6. SERVICE CHANGE EQUITY ANALYSIS Requirements

As discussed in Section 5 of this document, RT is required to conduct an equity analysis prior to adopting major service changes. Title VI requires RT to establish a locally developed definition for determining DI/DB on minority/low-income populations, including thresholds for statistical significance.

Definitions and Methodology

RT uses revenue miles to objectively quantify the effects of service changes. When major service changes are proposed, RT computes the change in revenue miles for minority populations at the route level and in aggregate. This is compared to the minority percentage of RT's overall ridership.

RT's Title VI goal is for minority populations to receive at least their share of the benefits in the case of a net service increase, and no more than their share of the adverse effects, in the case of net service reductions. A potential DI may exist if there is a statistically significant deficiency from this goal. RT defines a deficiency as statistically significant if it exceeds 15 percentage points.

Example: Assume that RT's overall ridership is 55 percent minority and that RT proposed a major service increase. Minority populations would be expected to consume 55 percent of the new service, measured in revenue miles. Deviations from this goal exceeding 15 percentage points would be considered statistically significant. Therefore, if minority populations received *less than* 40 percent of the benefits, this would constitute a potential DI.

If a potential DI on minority populations exists, then the service change may be implemented only if: (1) a substantial legitimate justification has been prepared in written form, and (2) there are no alternatives that would have a less DI on minority riders but would still accomplish RT's legitimate program goals.¹³

DBs on low-income populations are determined in like fashion, with the threshold of statistical significance also being 15 percentage points. If a potential DB on low-income populations exists, then RT must take steps to avoid, minimize, or mitigate impacts where practicable.¹⁴

A sample cover sheet summarizing all key findings for a service change equity analysis has been provided as Appendix B.

¹⁴ FTA Circular 4702.1B, Chapter 4, Section 7a1f.

¹⁵ FTA Circular 4702.1B, Chapter 4, Section 7a2g.

7. ENVIRONMENTAL REQUIREMENTS

California law statutorily exempts the restoration, increasing, or inception of transit service on any rail, street, or highway rights-of-way that are already in use for vehicular travel from requirements under the California Environmental Quality Act (CEQA).¹⁵ If RT declares a state of fiscal emergency, then transit service reductions are also statutorily exempt.¹⁶ These exemptions do not extinguish any requirements for Federal project (e.g., New Starts rail expansions) under the National Environmental Policy Act (NEPA).

For any major service changes that RT determines are non-exempt, RT will prepare an Initial Study according to state CEQA guidelines to determine if the changes are likely to have significant effects on the environment.

If the Initial Study finds that there would be no significant effects, the RT Board may adopt a Negative Declaration (ND) affirming this finding. If the Initial Study finds that there would be potentially significant effects but that they can be avoided or mitigated, a Mitigated Negative Declaration (MND) may be adopted. If the Initial Study finds that there would be one or more significant effects which cannot be avoided or mitigated, an Environmental Impact Report (EIR) is required.¹⁷

A ND/MND consists of a one-page project summary and declaration that is attached to the front of the Initial Study, both of which must be approved by the RT Board prior to adoption of the major service changes.¹⁸

Public Review

CEQA requires a public review and comment period of at least 20 calendar days for an Initial Study prior to adoption of a ND/MND. RT accepts comments by phone, mail, email, or testimony before the RT Board.

CEQA also requires RT to file a Notice of Intent with Sacramento County at least 20 calendar days prior to adoption of a ND/MND. If the Initial Study finds that there are no effects on biological resources, then a No Effect Determination waiver must also be requested from the California Department of Fish and Wildlife (DFW).¹⁹

¹⁶ See California Public Resources Code, Section 21080(b)(10).

¹⁷ See California Public Resources Code, Section 21080.32.

¹⁸ Most transit service changes that are not statutorily exempt will require only a ND or MND. It would be unusual to find an EIR necessary for transit service changes.

¹⁹ The ND/MND will customarily be part of the same agenda item as the service changes.

²⁰ DFW charges a higher administrative fee for a No Effect Determination waiver if it is not requested prior to the filing of the Notice of Intent with Sacramento County.

Service Change Policy

Upon adoption of a ND, MND, or EIR, RT files a Notice of Determination with Sacramento County within five business days.

If a service change, major or minor, is determined by the RT General Manager/CEO, or his/her designee, to be exempt from CEQA, a Notice of Exemption may be filed with Sacramento County.



RESOLUTION NO. YY-MM-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

Month DD, YYYY

**TEMPORARILY EXEMPTING ROUTE X FROM
SACRAMENTO REGIONAL TRANSIT DISTRICT'S SUNSET CLAUSE**

WHEREAS, Route X is designated to be eliminated, pursuant to Section 3 of Regional Transit's Service Change Policy, and

WHEREAS, the Board of Directors finds that special circumstances justify that Route X be temporarily exempted from this policy.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, Route X shall be exempt from the sunset clause provisions of Section 3 of Regional Transit's Service Change Policy for a period of _____.

[CHAIR'S NAME], Chair

ATTEST:

[GENERAL MANAGER], Secretary

By: _____
[BOARD CLERK], Assistant Secretary



Service Change Policy
Appendix B – Service Change Equity Analysis Template

Project Title/Description _____

CURRENT SYSTEM STATISTICS

RT Average Weekday Ridership:
Bus and Light Rail _____

Minority Ridership: _____ % (A1)

Low-Income Ridership:
Household income less than \$30,000 _____ % (B1)

Data Source for Demographics:
Ex: 2010 On-Board Survey _____

SERVICE CHANGE IMPACTS

Data Source for Demographics:
Ex: 2010 On-Board Survey
(should match above) _____

Net Revenue Miles: All Riders:
Annualized _____

Minority: _____ % (A2)

Low-Income: _____ % (B2)

Disparate Impact: [] Yes [] No
Is there an adverse disparity between A1 and A2 exceeding RT's 15 percent threshold of statistical significance?
If yes, then the change may be implemented only if (1) a substantial legitimate justification has been prepared in written form and (2) there are no alternatives that would have a less disparate impact on minority riders but would still accomplish RT's legitimate program goals.

Disproportionate Burden: [] Yes [] No
Is there an adverse disparity between B1 and B2 exceeding RT's 15 percent threshold of statistical significance?
If yes, then RT must take steps to avoid, minimize, or mitigate impacts where practicable and must also describe alternatives available to low-income passengers affected.

Prepared by _____ Date _____

Reviewed by _____ Date _____